



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Feng, et al.

Serial No.: 10/698,483

Group Art Unit: 2891

Filing Date: November 3, 2003

Examiner: David A. Zarneke

For: STRUCTURE AND METHOD FOR FORMING A DIELECTRIC CHAMBER AND ELECTRONIC DEVICE INCLUDING THE DIELECTRIC CHAMBER

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

RESPONSE TO
RESTRICTION REQUIREMENT

In response to the Examiner's restriction requirement, Applicants hereby elect claims 1-26, with traverse. Applicants take the opportunity to file a Divisional Application for the non-elected claims 27-48.

Applicants respectfully submit that the subject matter of all claims 1-48 is sufficiently related that a thorough search for the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and examination of the entire applicants could be performed without serious burden.

M.P.E.P. § 803 clearly states that “[i]f the search and examination of the entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions” (emphasis added). Applicants respectfully submit that the Examiner has clearly failed to provide a *prima facie* showing of a serious burden by failing to provide “by appropriate explanation of separate

classification, or separate status in the art, or a different field of search" (M.P.E.P. § 803).

Applicants respectfully submit that the policy requiring examination of an entire application even though it may include distinct inventions, should be applied in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. Applicants respectfully request reconsideration and withdrawal of the restriction requirement and to examine all claims in this application.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,



James E. Howard, Esq.
Registration No. 39,715

Date: 5/11/05

McGinn & Gibb, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 48150